In the High Court of Judicature at Madras

Dated:19.06.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.264 of 2006

E.Muniappa .. Petitioner

vs.

1. The District Magistrate &
   District Collector,
   Krishnagiri District
   Krishnagiri.

2. The State of Tamil Nadu, rep. by its
   Secretary to Government
   Prohibition and Excise Department
   Fort St. George, Chennai-9. .. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of writ of habeas corpus to call for the records relating to the detention order dated 24.12.2005 passed by the first respondent herein in his office proceedings S.C.No.14 of 2005, quash the same and direct the respondents to produce the petitioner's sister's son viz., Munikrishnappa, son of Nanjundappa, Kelamangalam, Denkanikottai Taluk, Krishnagiri District presently undergoing detention in the Central Prison, Salem under Section 3(1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic offenders, Slum Grabbers and Video Pirates Act, 1982 before this Court and set him at liberty.

For petitioner : Mr. P.Mani

For respondents : Mr. M.Babu Muthu Meeran,
Additional Public Prosecutor.

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ORDER

(Order of the Court was made by P. SATHASIVAM,J.,)

The petitioner, who is the uncle of the detenu by name Munikrishnappa, who was detained as a "Bootlegger" as contemplated under Section 3 (1) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders and Slum Grabbers Act, 1982 (in short "Tamil Nadu Act 14 of 1982") by the impugned order of detention dated 24.12.2005, challenges the same in this petition.

2. Heard both sides.

3. At the foremost, the learned counsel for the petitioner by drawing our attention to the averments made in para 6 of the grounds of detention, contended that inasmuch as the detenu was not informed properly through whom he can make a representation to the Chairman, Advisory Board, Chennai-600 002 and in the absence of the said information, according to him, the detention order is vitiated.

4. The learned counsel for the petitioner has also relied on the decision rendered in HCP.No.120 of 2006 dated 24.04.2006. As rightly pointed out by the learned counsel for the petitioner, while informing the detenu that if he wishes to make a representation to the District Magistrate and District Collector or to the State Government, it should be forwarded through the Superintendent, Central Prison; but no such information is given relating to the representation to the Chairman, Advisory Board, Chennai-600 002. Though full address has been furnished as to the Chairman, Advisory Board, Chennai-600 002, as rightly pointed out, there is no reference through whom the said representation is to be made to the Chairman, Advisory Board, Chennai-600 002. In such circumstances, in the light of the defect pointed out, we hold that the said defect has caused prejudice in making effective representation, questioning the order of detention.

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5. On this ground, the impugned detention order is liable to be quashed; accordingly, quashed and the detenu is directed to be set at liberty forthwith, if he is not required in any other case.

raa

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The District Magistrate & District Collector, Krishnagiri District
Krishnagiri.

2. The Secretary to Government,State of Tamil Nadu, Prohibition and Excise Department, Fort St. George, Chennai.

3. The Superintendent, Central Prison, Salem.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5. The Public Prosecutor, High Court, Madras.

+ 1 cc to Mr. G. Ethirajulu, Advocate SR No.25746

SGL(CO)
SR/26.6.2006 H.C.P.No.264 of 2006

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